

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *eg* D.C.  
05 DEC -1 PM 4:42

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENNESSEE

ERIC L. OWENS,

Petitioner,

vs.

WARDEN, MARSHALL COUNTY  
CORRECTIONAL FACILITY, et al.,

Respondents.

No. 05-2574-B/P

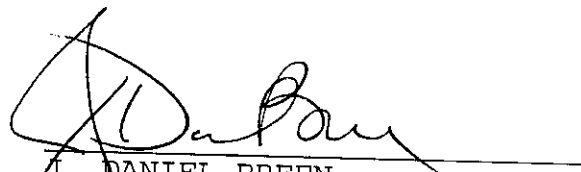
ORDER OF DISMISSAL

Petitioner Eric L. Owens, Bureau of Prisons inmate registration number 10990-042, an inmate at the Marshall County Correctional Facility ("MCCF") in Holly Springs, Mississippi, filed a pro se petition pursuant to 28 U.S.C. § 2241 on August 10, 2005. The Court issued an order on October 6, 2005 directing the petitioner, within thirty days, to file an in forma pauperis affidavit or remit the habeas filing fee. The order further provided that "[f]ailure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute." 10/06/05 Order at 2.

Owens has not complied with the October 6, 2005 order, and the time set for compliance has expired. Accordingly, the Court

DISMISSES the petition without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 1<sup>st</sup> day of ~~November~~ <sup>December</sup>, 2005.

  
J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 3 in case 2:05-CV-02574 was distributed by fax, mail, or direct printing on December 2, 2005 to the parties listed.

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Eric L. Owens  
10990-042  
833 West Street  
Holly Springs, MS 38635--141

Honorable J. Breen  
US DISTRICT COURT